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**Attorneys for Defendant  
EQUILON ENTERPRISES LLC**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

ANDREW ARMASWALKER, an individual,

**Plaintiff,**

v.  
EQUILON ENTERPRISES, LLC, a  
Delaware limited liability company, and  
DOES 1 through 10, Inclusive.

### Defendants.

Case No. CV09-07183 ODW (PLAx)

## **UPDATED JUDGMENT**

Complaint Filed: October 2, 2009

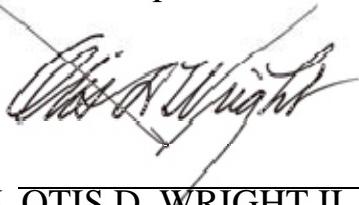
Courtroom: 11  
Judge: Otis D. Wright II  
M. Judge: Paul L. Abrams  
Pre-Trial Conference: N/A  
Trial Date: N/A

1           Defendant Equilon Enterprises LLC dba Shell Oil Products US's ("Defendant")  
2 Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment  
3 came on regularly for hearing at 1:30 p.m. on July 19, 2010, in Courtroom 11 of this  
4 Court, the Honorable Otis D. Wright II, presiding. Upon full consideration of all the  
5 papers submitted in support of and in opposition to the motion, the evidence presented  
6 by the parties, the issues having been duly heard and a decision having been duly  
7 rendered, the Court grants Defendant's Motion for Summary Judgment, or in the  
8 Alternative, Partial Summary Judgment.

9           In addition, upon full consideration of all the papers submitted in support of and  
10 in opposition to Defendant's Motion for Expert Witness Fees and the evidence  
11 presented by the parties, the Court grants in part Defendant's Motion for Expert  
12 Witness Fees, finding that Plaintiff Andrew Armaswalker's ("Plaintiff") entire action  
13 was frivolous under Section 2805(d)(3) of the Petroleum Marketing Practices Act (15  
14 U.S.C. § 2801, *et seq.*). In light of this finding, the Court determines that Defendant  
15 has qualified for and is awarded its expert witness fees in the amount of \$14,035.87.

16           **IT IS ORDERED AND ADJUDGED** that Judgment be entered in favor of  
17 Defendant and against Plaintiff as follows:

- 18           1. Plaintiff shall take nothing and the action be dismissed on the merits;
- 19           2. Defendant shall recover from Plaintiff its ordinary costs in the amount of  
20 \$6,216.68, as taxed by the Clerk in this matter on August 27, 2010; and
- 21           3. Defendant shall recover from Plaintiff expert witness fees in the amount  
22 of \$14,035.87.

23             
24 Dated: October 12, 2010 \_\_\_\_\_

25           HON. OTIS D. WRIGHT II  
26           UNITED STATES DISTRICT JUDGE